

04-12-'05 12:14 FROM-Lerner & Greenberg

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T-779 P08/13 U-676

Applic. No.: 09/994,195
Am dt Dated April 12, 2005
Reply to Office action of January 12, 2005

REMARKS/ARGUMENTS

Reconsideration of the application is requested.

Claims 1-13 and 16-19 remain in the application.. Claims 1 and 8 have been amended. Claims 14-15 have been cancelled.

In item 1 on pages 2-3 of the above-mentioned Office action, claims 1, 3-5, and 7 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Tool et al. (6,696,879 B1) and Maclellan et al. (US 5,940,006).

In item 2 on pages 3-4 of the above-mentioned Office action, claims 8, 10-13, and 16-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Tool et al. and Maclellan et al. and further in view of Barham et al. (US 5,432,813).

In item 3 on page 4 of the above-mentioned Office action, claims 2 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Tool et al., Maclellan et al., and Barham et al. and further in view of Anderson (US 4,868,915).

In item 4 on page 4 of the above-mentioned Office action, claims 6 and 19 have been rejected under 35 U.S.C. § 103(a) as

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being unpatentable over O'Tool et al., Maclellan et al., and Barham et al. and further in view of Lanzi (US 6,353,406).

In item 5 on page 5 of the above-mentioned Office action, claim 18 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over O'Tool et al. and Maclellan et al. and further in view of Tu et al. (US 5,682,403).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the references. However, the language of the claims has been amended in an effort to even more clearly define the invention of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claim 1 calls for, inter alia:

receiving the access code signals with the transceiver unit substantially simultaneously, and separating the access code signals on a basis of specific spread spectrum sequences applied to the signals for speeding up the process and guaranteeing a higher security against interception.

Claim 8 calls for, inter alia:

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receiver for receiving access code signals simultaneously, said receiver having at least one section with a device for parallel processing and separating of a plurality of simultaneously received access code signals in accordance with specific spread spectrum sequences superimposed on the access code signals for speeding up the process and guaranteeing a higher security against interception.

As already discussed in the previous response, in O'Tool et al., when more than one transponder responds to the query at the same time, the transceiver receives "garbled" information (see column 90, line 31 of O'Tool et al.). When replies from multiple transponders are received, a so-called "arbitration" procedure will be carried out to isolate one single device (see column 90, lines 32-34 of O'Tool et al.).

The "arbitration" procedure as described in O'Tool et al. costs extra time or expense. The reason for the extra "arbitration" procedure is that O'Tool et al. concern the perfect recognition and acquisition of all the nearby transponders. In contrast, the invention of the instant application concerns obtaining legitimate access to the motor vehicle, which requires the process to be as quick as possible so that the driver does not have to wait for an unusually long time.

The Examiner has stated that the object of the invention does not have a bearing on the patentability of the claims (see the

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penultimate paragraph on page 5 of the Office action). However, it is noted that a person skilled in the art, when reading a prior art document with an entirely different object, would not obtain any suggestion or motivation to modify the prior art to lead to the invention of the instant application. In this sense, the object of an invention does have bearing on the patentability.

As also discussed in the previous response, although O'Tool et al. use spread spectrum sequences to send out signals from the transponder, the spread spectrum sequences do not serve to avoid collision when multiple transponders respond and also do not serve to increase the security. Rather, they merely serve to provide information for the "arbitration" scheme. In O'Tool et al., the spread spectrum technique is not used to speed up the procedure (because the "arbitration" procedure lasts a substantially longer time) or to guarantee a higher security against interception, as recited in the claims of the instant application.

MacLellan et al. disclose a radio communication system with an interrogator and a number of tags. The interrogator sends a first radio signal to the tags and each tag receives and transmits, in a time-slotted manner, a second modulated signal back to the interrogator (see the abstract of MacLellan et

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al.). Clearly, in MacLellan et al. the second modulated signals are not transmitted by the transponders or received by the transceiver simultaneously. Therefore, it is impossible for MacLellan et al. to separate a plurality of simultaneously received signals in order to speed up the process and guarantee a higher security against interception.

The other cited references do not make up for the deficiencies of O'Tool et al. and MacLellan et al.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 and 8. Claims 1 and 8 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 8, they are believed to be patentable as well.

In addition, it is noted that the corresponding European application of the instant application has been issued by the EPO as patent EP 1 194 668 B1, a copy of which is enclosed herewith.

In view of the foregoing, reconsideration and allowance of claims 1-13 and 16-19 are solicited.

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In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate a telephone call so that, if possible, patentable language can be worked out.

In the alternative, the entry of the amendment is requested as it is believed to place the application in better condition for appeal, without requiring extension of the field of search.

If an extension of time for this paper is required, petition for extension is herewith made. Please charge any fees which might be due with respect to 37 CFR Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,

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For Applicants

YC

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